



JC01 Rec'd PCT/PTO 07 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Confirmation No.: 3644

Del Soldato

Group Art Unit: Unknown

Application Serial No.: 10/509,675

Examiner: Unassigned

Filed: October 8, 2004

Attorney Docket No.: 026220-00055

For: Drugs for Arthritis Treatment

September 7, 2005

\*\*\*\*\*

PETITION UNDER 37 C.F.R. §1.47(b)

RECEIVED

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

4 JAN 2006

Legal Staff  
International Division

09/12/2005 LLANDGRA 00000061 10509675

03 FC2464 Sir: 130.00 OP

This is in response to the Notification of Missing Requirements dated March 9, 2005 (copy enclosed), which indicated that the oath/declaration of inventor Piero Del Soldato is missing. The assignee, Nicox S.A., through the undersigned, respectfully petitions the U.S. Patent and Trademark Office under 37 C.F.R. §1.47(b) to consider following facts.

- 1) This invention is assigned to Nicox S.A., as evidenced by the assignment to Nicox S.A. from the inventor Del Soldato recorded at Reel No. 016272, Frame No. 0728. See Exhibit A - Statement under 37 C.F.R. §3.73(b) by Dr. Giovanna Barchielli of Nicox S.A.
- 2) This invention was made by inventor Del Soldato while he was employed by Nicox S.A. See Exhibit B - Statement by Ms. Patrizia Antognazza.
- 3) Nicox S.A. has requested, through an Italian attorney Maria Teresa Noro, that the inventor Del Soldato execute the declaration at least two times - on February 14,

04/14/2006 CSMOOT 00000001 012300 10509675  
Sale Ref: 00000001 DAW: 012300 10509675  
01 FC2464 Sir: 130.00 OP

2005 and March 29, 2005. In each instance, attorney Teresa Noro sent inventor Del Soldato, as well as his lawyer Mr. Fabrizio Conte, a copy of the entire application papers including specification, claims, and the declaration. See Exhibit C - Affidavit by Italian attorney Maria Teresa Noro with attached copies of postal receipts, Italian letters, and English translations thereof, and certificate of translation.

- 4) If the filing date of the present application is not granted, the invention will suffer irreparable damage. See Exhibit D - Statement by Dr. Giovanna Barchielli.
- 5) The last known address of inventor Piero Del Soldato is:

Via Enrico Toti 22  
20052 Monza  
ITALY

As of the filing date of this petition, the assignee has not received the signed declaration from either the inventor or his counsel. Therefore, the assignee respectfully submits that it has made a *bona fide* attempt to present a copy of the application papers and the declaration to the nonsigning inventor Piero Del Soldato, who, by his conduct, clearly refuses to join the application. The assignee further submits that it has fully complied with the requirements of 37 C.F.R. §1.47(b) and M.P.E.P. §409.03, and respectfully request that the Office of Petitions grant this petition in order to preserve the assignee's rights and to prevent irreparable damage.

The undersigned encloses a check in the amount of \$990.00. This amount includes:

- a) \$65.00 to cover the late oath/declaration surcharge under 37 C.F.R. §1.492(e);
- b) \$130.00 to cover the petition fee under 37 C.F.R. §1.17(h); and
- c) \$795.00 to cover the extension of time fee of four months for a small entity under 37 C.F.R. §1.17(a)(4).

If any questions or issues remain, the Office of Petitions is respectfully requested to contact the undersigned to help with their resolution. In the event that this response is not timely filed, the assignee, through the undersigned, hereby petitions for an appropriate extension of time. The fee for this extension, along with any additional fees required with respect to this response, may be charged to Deposit Account No. 01-

U.S. Patent Application Serial No.: 10/509,675  
Inventor: Del Soldato  
Attorney Docket No.: 026220-00055

2300, referencing Attorney Docket No. 026220-00055. The Commissioner is also authorized to credit any over-payments to Deposit Account No. 01-2300, referencing Attorney Docket No. 026220-00055.

Respectfully submitted,

ARENT FOX PLLC



Gaujam Prakash, Ph.D.

Registration No.: 53,481

Direct Telephone No.: 202-857-6057

Customer No.: **004372**

1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5339

Telephone No.: 202-857-6000  
Facsimile No.: 202-857-6395

/GP



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/509,675	Piero Del Soldato	026220-00055

INTERNATIONAL APPLICATION NO.
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PCT/EP03/03183

I.A. FILING DATE	PRIORITY DATE
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03/27/2003

04/11/2002

4372

ARENT FOX KINTNER PLOTKIN & KAHN  
 1050 CONNECTICUT AVENUE, N.W.  
 SUITE 400  
 WASHINGTON, DC 20036

CONFIRMATION NO. 3644

371 FORMALITIES LETTER



\*OC000000015383390\*

Date Mailed: 03/09/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/08/2004
- Copy of the International Search Report filed on 10/08/2004
- Preliminary Amendments filed on 10/08/2004
- Information Disclosure Statements filed on 10/08/2004
- Request for Immediate Examination filed on 10/08/2004
- U.S. Basic National Fees filed on 10/08/2004
- Priority Documents filed on 10/08/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE**

**DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/509,675	PCT/EP03/03183	026220-00055

FORM PCT/DO/EO/905 (371 Formalities Notice)

Application Serial No. 10/509,675  
Petition under 37 C.F.R. §1.47(b)  
Exhibit A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

Confirmation No.: 3644

Del Soldato

Group Art Unit: Unknown

Application Serial No.: 10/509,675

Examiner: Unassigned

Filed: October 8, 2004

Attorney Docket No.: 026220-00055

For: Drugs for Arthritis Treatment

\* \* \* \* \*

**STATEMENT UNDER 37 C.F.R. §3.73(b)**

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

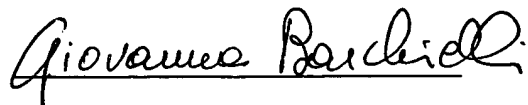
This invention is assigned to:

Nicox S.A.

I attach a copy of the assignment from the inventor Piero Del Soldato to Nicox S.A., recorded at the U.S. Patent and Trademark Office on Reel No. 016272, Frame No. 0728. I also attach a copy the "Non-Competition and Confidentiality Agreement" signed by Mr. Del Soldato on December 2, 1995.

Respectfully submitted,

NICOX S.A.



Name: GIOVANNA BARCHIELLI

Title: PROXY

Date: August 23<sup>rd</sup>, 2005



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 18, 2005

PTAS

**\*700180839A\***

**\*700180839A\***

GAUTAM PRAKASH, PH.D.  
ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON, DC 20036

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 05/19/2005

REEL/FRAME: 016272/0728  
NUMBER OF PAGES: 5

BRIEF: EMPLOYMENT AGREEMENT

ASSIGNOR:

DEL SOLDATO, PIERO

DOC DATE: 12/02/1995

ASSIGNEE:

NICOX S.A.  
2455 ROUTES DES DOLINES  
ESPACE GAIA II-BATIMENT I  
F-06906 SOPHIA ANTIPOLIS, FRANCE

SERIAL NUMBER: 10509675

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

TITLE: DRUGS FOR THE ARTHRITIS TREATMENT



016272/0728 PAGE 2

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

ENGLISH VERSION

**Non-Competition and Confidentiality  
Agreement of Mr. Piero Del SOLDATO**

In PARIS,

On December 2, 1995,

*THE UNDERSIGNED :*

1. **Mr. Piero Del SOLDATO,**

Residing in MONZA (Italy - 20052) - Via E. Toti, 22,

Hereafter referred to as the "Manager",

2. **NICOX SNC,**

*A société en nom collectif* incorporated under the laws of France having its registered office in PARIS (75116) - 45, avenue Kléber,

Represented by its Manager, SOCIETE EUROPEENNE DE BELLOY S.A.,

Hereafter referred to as "NICOX",

*HAVE AGREED AND DECIDED THE FOLLOWING :*



1. Definitions

1.1 "Nicox Group",

shall mean NICOX and its subsidiaries, in particular NICOX S.A., a French limited company having its registered office in PARIS (75116) - 45, avenue Kléber.

1.2 "Competitor(s)",

shall mean any company, of any kind, which may actually or potentially, directly or indirectly, perform or order research and development, produce, license, market, distribute or which may, more generally obtain a cash-flow in the field of ethical or over the counter pharmaceutical or parapharmaceutical products which include an NO donor group.

2. Non-Competition - Exclusivity - Investment covenants

- 2.1 So long as the Manager is a director or associate of, or employed in any way by, the Nicox Group, and for three years following the date on which the Manager shall cease to be a director or associate of, or employed in any way, by the Nicox Group, and

For the five years from the day of signature of this agreement,

The Manager undertakes, not to exercise for a Competitor the position of head of any specific department devoted to inflammation and analgesics, directly or indirectly, whether personally or on behalf of any third party, for money or money's worth, or on a gratuitous basis.

- 2.2 So long as the Manager is a director or associate of, or employed in any way by, the Nicox Group, and for three years following the date on which the Manager shall cease to be a director or associate of, or employed in any way, by the Nicox Group, and

For the five years from the day of signature of this agreement,

The Manager also undertakes not to acquire or obtain, directly or indirectly, personally or through a third party, any interest of any kind or nature (e.g, capital stake, potential rights or title to a capital stake, association, etc.) in a Competitor,

Save for capital stakes inferior to 1% in companies whose stock is listed and exchanged on a regular basis on a regulated stock exchange.



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director or associate of, or employed in any way, by the Nicox Group, and

### 3. Industrial property - No dispute of Industrial property rights

- 3.1 So long as the Manager is a director or associate of, or employed in any way by, the Nicox Group, and for three years following the date on which the Manager shall cease to be a director or associate of, or employed in any way, by the Nicox Group, and

For the five years from the day of signature of this agreement,

The Manager expressly acknowledges and accepts that any intellectual and/or industrial property rights, in particular patent rights, of any kind or nature, which may be created or developed by him in the field of ethical or over the counter pharmaceutical or parapharmaceutical products which include an NO donor group, shall be the sole property of the Nicox Group.

The Manager hereby renounces and forgoes to any and all intellectual and/or industrial property rights to which he may have rights to as a result of his co-operation with the Nicox Group.

- 3.2 So long as the Manager is a director or associate of, or employed in any way by, the Nicox Group, and for three years following the date on which the Manager shall cease to be a director or associate of, or employed in any way, by the Nicox Group, and

For the five years from the day of signature of this agreement,

The Manager expressly undertakes not to dispute or contest in any way or manner, whether directly or indirectly, before any industrial and/or intellectual property protection authority in the world (National, Regional or International),

The filing and/or publication of proceedings undertaken by the Nicox Group for the protection of intellectual and/or industrial property rights, in particular patent rights, of any kind or nature, which may be created or developed by him in the field of ethical or over the counter pharmaceutical or parapharmaceutical products which include an NO donor group

- 3.3 The Manager expressly declares and warrants to NICOX, that he has not, prior to the signature of this agreement, in any way made public or caused to be made public, directly or indirectly, information related to patent rights in the field of ethical or over the counter pharmaceutical or parapharmaceutical products which include an NO donor group contributed by him to NICOX, which could adversely effect the current or future filing and/or publication of such patent rights before any industrial and/or intellectual property protection authority in the world (National, Regional or International).

#### 4. Consideration

The Manager declares and acknowledges that the agreements he has signed on this day with NICOX and its manager, SOCIETE EUROPEENNE DE BELLOY S.A., are adequate consideration for his undertakings in the present agreement.

Executed in 2 original copies.

Piero Del SOLDATO

*Piero del Soldato*

NICOX S.N.C



By : Laurent GANEM

Application Serial No. 10/509,675  
Petition under 37 C.F.R. §1.47(b)  
Exhibit B

**Re: U.S. Patent application Serial No. 10/509,675**

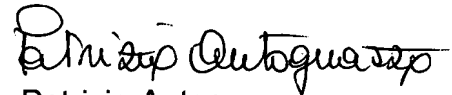
Del Soldato

Drug for Arthritis Treatment

Your Ref.: 026220

I declare that at the period between December 2001 and April 2002, in which the Italian priority document corresponding to above-identified U.S patent application was prepared and filed, I was dealing with the relations between the Nicox's inventors and the Nicox's external IP counselling office of the Dr. Daniele Sama. I declare that the above-identified invention was made by Dr. Piero Del Soldato in fact I and Dr. Sama wrote a draft of the application based on a draft and on pharmacological results sent to me by Dr. Piero Del Soldato which reviewed and corrected the draft application.

Bresso, April 12, 2005

  
Patrizia Antognazza

Application Serial No. 10/509,675  
Petition under 37 C.F.R. §1.47(b)  
Exhibit C



*Avv. Maria Teresa Noro*

*20122 Milano  
Via Freguglia, 4  
Tel. 02.550.111.99  
Fax 02.55.16.369*

Spettabile  
NicOx Research Institute S.r.l.  
Giovanna Barchielli  
Via Ariosto, 21  
20091 - BRESSO  
(Milano)

Milan, April 26th, 2005  
RACCOMANDATA

### **AFFIDAVIT**

I, the undersigned Maria Teresa Noro, lawyer, practising in Milan, Via Freguglia 4, state the following.

I have been requested by Nicox to assist it in its controversy against Mr. Piero Del Soldato, a shareholder of the company Nicox S.A. and employee of Nicox S.r.l. who was dismissed by letter dated April 2, 2004.

On April 6, 2004, Mr. Piero Del Soldato challenged his dismissal and enforced his alleged right to be granted certain sums as compensation for his being assigned to less qualified duties, as well as the bonus under Articles 23 and following of Royal Decree no. 1127/39 (the Italian Patent Law) on account of the inventions of which he has been designated inventor or co-inventor during his employment relationship and which remains the sole property of N.S.A. For this reason, in the past few months I have been in touch on a frequent basis with Mr. Fabrizio Conte of the Milan Bar, the lawyer who is assisting Mr. Piero Del Soldato in the above mentioned controversy.

On February 7, 2005 Nicox S.A.'s Legal Department asked me to have the following documents signed by Mr. Piero Del Soldato and returned to it:

- 1) ns. rif. HF 2557 entitled "NEW CORTICOSTEROIDS"- 4 documents: Canada/Assignment; New Zealand/Request under Section 23 (3); USA/Assignment and Declaration and a copy on the entire application (i.e. specification, including claims and drawings).

- 2) ns. rif. NP 0001 entitled "PROBUCOL DERIVATIVES"- 2 documents: USA/Assignment and Declaration and a copy on the entire application (i.e. specification, including claims and drawings).
- 3) ns. rif. HF 2596 entitled "DRUGS FOR THE ARTHRITIS TREATMENT"- 2 documents: USA/Assignment and Declaration and a copy on the entire application (i.e. specification, including claims and drawings).
- 4) ns. rif. HF 2615 entitled "DEOXYCHOLIC ACID DERIVATIVES FOR THE TREATMENT OF ACUTE DYSFUNCTIONS OF PORTAL AND HEPATIC VENOUS CIRCULATION"- 5 documents: Canda/Assignment; New Zealand/Request under Section 23 (3); USA/Assignment and Declaration; South Africa/Assignment and a copy on the entire application (i.e. specification, including claims and drawings).

On February 14, 2005 I sent a set of the above mentioned documents to Mr. Piero Del Soldato, at his domicile in Monza, Via Enrico Toti 22 under registered mail, with copy hand-delivered to his lawyer, asking Mr. Piero Del Soldato to return said documents to me duly signed in fifteen days or to notify in writing his explanations for not doing so. Notwithstanding the notices the postman left him, Mr. Del Soldato never collected the mail delivery from the post office at which it was being held and it was subsequently returned to our office.

On March 29, 2005 I sent another set of the above mentioned documents to Mr. Piero Del Soldato under registered mail, with copy to his lawyer, asking Mr. Piero Del Soldato to return said documents to me duly signed in ten days or to notify in writing his explanations for not doing so.

Mr. Piero Del Soldato never sent back to me these documents.

I enclose herewith copies of my letter dated February 14, 2005 together with the receipt of acceptance of registered mail, the printout obtained from the Poste Italiane (the Italian Post Office) website reporting the status of delivery and copy of the envelope that was returned to us by the Post Office; I also enclose the second one dated March 29, 2005 together with the related registered mail receipt and acknowledgement of receipt.

A copy of my passport is also enclosed.

Respectfully submitted,

  
(Avv. Maria Teresa Noro)

*Avv. Maria Teresa Nora*

Egregio Signor  
dott. Piero del Soldato  
Via Enrico Toti 22  
20052 - MONZA

20122 Milano  
Via Freguglia, 4  
Tel. 02.550.111.99  
Fax 02.55.16.369

e, per conoscenza  
**RACCOMANDATA A MANO**  
Egregio Signor  
Avvocato Fabrizio Conte  
Via Freguglia 8/a  
20122 - MILANO

Milano, 14 febbraio 2005  
**RACCOMANDATA A.R.**

Egregio dott. Del Soldato,

Le invio la documentazione di cui in appresso trasmessami dalla Nicox, la quale mi ha incaricato di contattarLa per richiederLe di sottoscriverla.

Si tratta, specificamente, della seguente documentazione:

- 1) ns. rif. HF 2557 dal titolo "NEW CORTICOSTEROIDS"- 4 documenti: Canada/Assignment; New Zealand/Request under Section 23 (3); USA/Assignment e Declaration e il testo del brevetto.
- 2) ns. rif. NP 0001 dal titolo "PROBUCOL DERIVATIVES"- 2 documenti: USA/Assignment e Declaration e il testo del brevetto.
- 3) ns. rif. HF 2596 dal titolo "DRUGS FOR THE ARTHRITIS TREATMENT"- 2 documenti: USA/Assignment e Declaration e il testo del brevetto.
- 4) ns. rif. HF 2615 dal titolo "DEOXYCHOLIC ACID DERIVATIVES FOR THE TREATMENT OF ACUTE DYSFUNCTIONS OF PORTAL AND HEPATIC VENOUS CIRCULATION"- 5 documenti: Canda/Assignment; New Zealand/Request under Section 23 (3); USA/Assignment e Declaration; South Africa/Assignment e il testo del brevetto.

Le invio tale documentazione per la firma e attendo che Lei me la restituisca entro 15 giorni da oggi.

Trasmetto copia di questa lettera e dell'allegata documentazione anche al Suo legale, Avv. Fabrizio Conte, affinché ne possa prendere visione.

Coi migliori saluti.

  
(Avv. Maria Teresa Nora)

All.: come nel testo

Maria Teresa Noro, Esq.

1<sup>st</sup> mailing

Mr. Piero del Soldato  
Via Enrico Toti, 22  
20052 – Monza

20122 Milan  
via Freguglia, 4  
tel. 0255011199  
Fax 025516369

cc: hand delivered  
Fabrizio Conte, Esq.  
Via Freguglia 8/a  
20122 Milan

Milan, February 14, 2005  
Delivery with return receipt

Dear Mr. Del Soldato,

I am sending you the documents referenced below, sent to me by Nicox, which asked me to contact you and to request that you sign them.

Specifically, the documents are listed below:

- 1) Our Ref. HF 2557 entitled "New Corticosteroids" – 4 documents: Canada/ Assignment; New Zealand/ Request under Section 23 (3); USA/ Assignment and Declaration, and the text of the patent.
- 2) Our Ref. NP 0001 entitled "Probucol derivatives" – 2 documents: USA/Assignment and Declaration and the text of the patent.
- 3) Our Ref. HF 2596 entitled "Drugs For The Arthritis Treatment" – 2 documents: USA/ Assignment and Declaration and the text of the patent.
- 4) Our Ref. HF 2615 entitled "Deoxycholic Acid Derivatives For The Treatment Of Acute Dysfunctions Of Portal And Hepatic Venous Circulation" – 5 documents: Canada/ Assignment; New Zealand/ Request under Section 23(3); USA/Assignment and Declaration; South Africa/ Assignment and text of the patent.

I am sending these documents for your signature and I expect that you will send them back to me within 15 days from today.

I am also sending a copy of this letter and of the enclosed documents to your attorney, Fabrizio Conte, for his review.

Best Regards.

Encl. as indicated above

[signature]  
(Maria Teresa Noro, Esq.)

**TASSE**

**Posteitaliane**

Martedì 22 Marzo 2005

**privati**

**imprese e P.A.**

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[English](#)

**dove quando**

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Posta Assicurata

Postacelere1

Paccocelere1

Paccocelere3

Paccocelere

Internazionale

~~Posteitaliane~~

**Notizie in tempo reale della tua spedizione con Posta Raccomandata**

Situazione della spedizione: **127450827100**

Data impostata nella ricerca: 14/02/2005

**In giacenza presso la sezione di distribuzione dell'ufficio di MONZA CENTRO in data 21-FEB-2005**

**Accettato dall'agenzia di MILANO 25 in data 14-FEB-2005**

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*Studio Legale Moro*  
*20122 Milano - Via Foglietta, 4*



UFFICIO  
 SIAMO  
 RECAPITOLATI  
 NON RICEVUTI  
 DI GIACENZA PRESCRUITA  
 DATA 23/3 FIRMA

LA CENTRALE  
 VERB  
 PERCHÉ  
 L. PERIOM



Egregio Signor  
 Dott. Piero Del Soldato  
 Via Enrico Toti, 22  
 20052 - M O N Z A



Ass. 19-2-55

h 111 = 3

AN

2 A VISATO 24-2-55

h 1130 AN

1° SPEZ. DATE

*Avv. Maria Teresa Noro*

Egregio Signor  
dott. Piero del Soldato  
Via Enrico Toti 22  
20052 - MONZA

20122 Milano  
Via Freguglia, 4  
Tel. 02.550.111.99  
Fax 02.55.16.369

e, per conoscenza  
**RACCOMANDATA A MANO**  
Egregio Signor  
Avvocato Fabrizio Conte  
Via Freguglia 8/a  
20122 - MILANO

Milano, 14 febbraio 2005  
**RACCOMANDATA A.R.**

Egregio dott. Del Soldato,

Le invio la documentazione di cui in appresso trasmessami  
dalla Nicox, la quale mi ha incaricato di contattarLa per richiederLe di sottoscriverla.

Si tratta, specificamente, della seguente documentazione:

- 1) ns. rif. HF 2557 dal titolo "NEW CORTICOSTEROIDS"- 4 documenti:  
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- 2) ns. rif. NP 0001 dal titolo "PROBUCOL DERIVATIVES"- 2 documenti:  
USA/Assignment e Declaration e il testo del brevetto.
- 3) ns. rif. HF 2596 dal titolo "DRUGS FOR THE ARTHRITIS TREATMENT"- 2  
documenti: USA/Assignment e Declaration e il testo del brevetto.
- 4) ns. rif. HF 2615 dal titolo "DEOXYCHOLIC ACID DERIVATIVES FOR THE  
TREATMENT OF ACUTE DYSFUNCTIONS OF PORTAL AND HEPATIC  
VENOUS CIRCULATION"- 5 documenti: Canda/Assignment; New  
Zealand/Request under Section 23 (3); USA/Assignment e Declaration; South  
Africa/Assignment e il testo del brevetto.

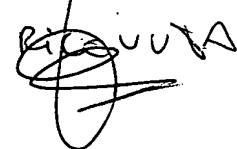
Le invio tale documentazione per la firma e attendo che Lei me la restituisca entro 15  
giorni da oggi.

Trasmetto copia di questa lettera e dell'allegata documentazione anche al Suo legale,  
Avv. Fabrizio Conte, affinché ne possa prendere visione.

Coi migliori saluti.

  
(Avv. Maria Teresa Noro)

All.: come nel testo

15/2/05  
X 



Maria Teresa Noro, Esq.

1<sup>st</sup> mailing

Mr. Piero del Soldato  
Via Enrico Toti, 22  
20052 – Monza

20122 Milan  
via Freguglia,4  
tel. 0255011199  
Fax 025516369

cc: hand delivered  
Fabrizio Conte, Esq.  
Via Freguglia 8/a  
20122 Milan

Milan, February 14, 2005  
Delivery with return receipt

Dear Mr. Del Soldato,

I am sending you the documents referenced below, sent to me by Nicox, which asked me to contact you and to request that you sign them.

Specifically, the documents are listed below:

- 1) Our Ref. HF 2557 entitled "New Corticosteroids" – 4 documents: Canada/ Assignment; New Zealand/ Request under Section 23 (3); USA/ Assignment and Declaration, and the text of the patent.
- 2) Our Ref. NP 0001 entitled "Probucol derivatives" – 2 documents: USA/Assignment and Declaration and the text of the patent.
- 3) Our Ref. HF 2596 entitled "Drugs For The Arthritis Treatment" – 2 documents: USA/ Assignment and Declaration and the text of the patent.
- 4) Our Ref. HF 2615 entitled "Deoxycholic Acid Derivatives For The Treatment Of Acute Dysfunctions Of Portal And Hepatic Venous Circulation" – 5 documents: Canada/ Assignment; New Zealand/ Request under Section 23(3); USA/Assignment and Declaration; South Africa/ Assignment and text of the patent.

I am sending these documents for your signature and I expect that you will send them back to me within 15 days from today.

I am also sending a copy of this letter and of the enclosed documents to your attorney, Fabrizio Conte, for his review.

Best Regards.

Encl. as indicated above

[signature]  
(Maria Teresa Noro, Esq.)

2/15/05  
received [signature]

*Avv. Maria Teresa Noro*

2° 1A 014 040

Egregio Signor  
Dott. Piero Del Soldato  
Via Enrico Toti 22  
20052 - MONZA

20122 Milano  
Via Freguglia, 4  
Tel. 02.550.111.99  
Fax 02.55.16.369

e, per conoscenza  
**RACCOMANDATA A MANO**  
Egregio Signor  
Avvocato Fabrizio Conte  
Via Freguglia 8/a  
20122 - MILANO

Milano, 29 marzo 2005  
**RACCOMANDATA A.R.**

Egregio dott. Del Soldato,

in nome e per conto della Nicox S.A., faccio seguito alla mia del 14 febbraio scorso per inviarLe una seconda volta la documentazione seguente, che La prego di sottoscrivere e di restituire al mio Studio entro 10 giorni dal ricevimento della presente:

- 1) ns. rif. HF 2557 dal titolo "NEW CORTICOSTEROIDS"- 4 documenti: Canada/Assignment; New Zealand/Request under Section 23 (3); USA/Assignment e Declaration e il testo del brevetto.
- 2) ns. rif. NP 0001 dal titolo "PROBUCOL DERIVATIVES"- 2 documenti: USA/Assignment e Declaration e il testo del brevetto.
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Trasmetto copia di questa lettera anche al Suo legale, Avv. Fabrizio Conte, per sua informazione.

Rimango in attesa di Suo urgente riscontro e La saluto molto distintamente.

*Avv. Maria Teresa Noro*  
(Avv. Maria Teresa Noro)

All.: come nel testo

Posteitaliane

Mod. 22 - R - Cod. W8150E - Ed. 10/01 (00) L1



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	COMUNE	PROV.
MITTENTE	AVV. MARIA TERESA NORD	
	Via. Fredegilla, 4 - 20122 MILANO	
	Tel. 02-550.111.99 (r.a.)	
	Fax 5516369	
	C.A.P.	PROV.

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(in cifre)



Bollo  
(accettazione manuale)

2<sup>a</sup> SEZIONE

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☒ Raccomandata ☐ Pacco

☐ Assicurata Euro \_\_\_\_\_

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Numero

Data di spedizione 29 MARZO 2005 Dall'ufficio postale di MILANO 25

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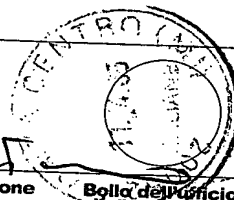
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Firma per esteso del ricevente  
(Nome e Cognome)

Data

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Bollo dell'ufficio  
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Maria Teresa Noro, Esq.

2<sup>nd</sup> mailing

Mr. Piero del Soldato  
Via Enrico Toti, 22  
20052 – Monza

20122 Milan  
via Freguglia, 4  
tel. 0255011199  
Fax 025516369

cc: hand delivered  
Fabrizio Conte, Esq.  
Via Freguglia 8/a  
20122 Milan

Milan, March 29, 2005  
Delivery with return receipt

Dear Mr. Del Soldato,

On behalf of Nicox S.A., and following my letter dated February 14, 2005, I am sending you for the second time the documents referenced below. Please sign them and return them to me within 10 days from the day you receive this letter.

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I am also sending a copy of this letter to your attorney, Fabrizio Conte, for his review.

I am looking forward to your urgent response. Best Regards.

Encl. as indicated above

[signature]  
(Maria Teresa Noro, Esq.)

*Avv. Maria Teresa Noro*

Egregio Signor  
Dott. Piero Del Soldato  
Via Enrico Toti 22  
20052 - MONZA

20122 Milano  
Via Freguglia, 4  
Tel. 02.550.111.99  
Fax 02.55.16.369

e, per conoscenza  
**RACCOMANDATA A MANO**  
Egregio Signor  
Avvocato Fabrizio Conte  
Via Freguglia 8/a  
20122 - MILANO

Milano, 29 marzo 2005  
**RACCOMANDATA A.R.**

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Rimango in attesa di Suo urgente riscontro e La saluto molto distintamente.

*Avv. Maria Teresa Noro*  
(Avv. Maria Teresa Noro)

All.: come nel testo

29/03/05  
X RICEVUTA

*[Signature]*

Maria Teresa Noro, Esq.

2<sup>nd</sup> mailing

Mr. Piero del Soldato  
Via Enrico Toti, 22  
20052 – Monza

20122 Milan  
via Freguglia, 4  
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I am looking forward to your urgent response. Best Regards.

Encl. as indicated above

[signature]  
(Maria Teresa Noro, Esq.)

03/29/05  
Received [signature]

**Certification of Translation**

I, Chiara Giuliani, declare that I can understand, read, and speak fluently both English and Italian. I have translated the letters of Maria Teresa Noro, which were in Italian, and attest that the English translations are an accurate representation of the original documents.

Chiara Giuliani  
Chiara Giuliani

Date: 5/23/05



Application Serial No. 10/509,675  
Petition under 37 C.F.R. §1.47(b)  
Exhibit D

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

Confirmation No.: 3644

Del Soldato

Group Art Unit: Unknown

Application Serial No.: 10/509,675

Examiner: Unassigned

Filed: October 8, 2004

Attorney Docket No.: 026220-00055

For: Drugs for Arthritis Treatment

\*\*\*\*\*

**STATEMENT REGARDING IRREPARABLE DAMAGE TO INVENTION**

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I state that if the filing date of the present application is not granted, the invention will suffer irreparable damage.

Respectfully submitted,

NICOX S.A.

Giovanna Barchielli

Name: GIOVANNA BARCHIELLI

Title: PROXY

Date: 23<sup>rd</sup> August, 2005

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